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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 OAKLAND DIVISION

16 UNITED STATES OF AMERICA, ) CASE NO. 23-MJ-71223  
17 Plaintiff, )  
18 v. ) UNITED STATES' MEMORANDUM OF POINTS  
19 ) AND AUTHORITIES IN SUPPORT OF MOTION  
20 ) FOR PRETRIAL DETENTION  
21 CHRISTOPHER GONZALEZ NUNEZ, ) Date: August 21, 2023 (Detention Hearing)  
22 Defendant. ) Time: 10:30 a.m.  
23 ) Court: Honorable Donna M. Ryu

24  
25  
26 Defendant Christopher Gonzalez Nunez is a member of the San Francisco Mission District  
27 Norteños with a disturbing history of gang participation, gun possession and manufacturing, and  
28 reckless driving. During execution of a federal search warrant this June, agents recovered three  
firearms, numerous high-capacity magazines, ammunition, and gun assembly tools in his backpack and  
bedroom. Because Gonzalez Nunez poses a significant danger to the public that cannot be mitigated  
through conditions of release or with suitable sureties and custodians, he should be detained pending  
trial.

1  
2 **BACKGROUND**3 **I. OFFENSE CONDUCT**4 **A. FBI RECOVERS 3 GUNS AND AMMUNITION AT GONZALEZ NUNEZ'S HOUSE**

5 On June 14, 2023, the FBI executed a federal search warrant at 22835 Woodroe Avenue in  
 6 Hayward. When agents arrived at the residence, they observed Gonzalez Nunez coming from the  
 7 backyard. When they went to the area of the backyard where he had been observed, agents discovered a  
 8 backpack and a grocery bag discarded over the fence in the rear of the residence. Subsequent DNA  
 9 testing determined that Gonzalez Nunez's DNA was on the straps of the backpack and on several items  
 10 found inside the backpack.

11 Inside the backpack, agents recovered three firearms and assorted ammunition. In the plastic bag  
 12 next to the backpack were several large-capacity "drum" magazines. The three firearms found inside  
 13 Gonzalez Nunez's backpack were: (1) a 9mm SCCY CPX-2 handgun bearing serial number 941939, (2)  
 14 an unserialized AR-15 style pistol, and (3) an unserialized Glock-style handgun. The other gun-related  
 15 items included: (1) three AR-style 30-round magazines, (2) six extended pistol magazines, and (3)  
 16 approximately 25 rounds of loose ammunition.



1       These firearms were connected to Gonzalez Nunez in several ways. First, all three guns were  
 2 found inside the backpack, and DNA analysis from swabs of the backpack's straps, zipper, and handle  
 3 showed "very strong support" for the presence of Gonzalez Nunez's DNA, with the chance of the profile  
 4 coming from a random person being 1 in 41.2 million. Gonzalez Nunez's DNA was also found on the  
 5 grips of both the Polymer 80 handgun (beige grip in photo above left) and the partially-assembled  
 6 assault weapon (pictured upside down toward the bottom of the photo above left), both of which were  
 7 found inside the backpack. The likelihood ratio for Gonzalez Nunez's DNA on the Polymer 80 was 1 in  
 8 881 quadrillion, and likelihood ratio for Gonzalez Nunez's DNA on the assault weapon was 1 in 49.8  
 9 billion. His DNA was also found on the gun lock box in which the Polymer 80 was found.

10       Receipts were also found in Gonzalez Nunez's bedroom  
 11 that connected him to the firearms found, particularly the  
 12 serialized SCCY handgun. A receipt from 11 Eleven Tactical in  
 13 Sparks, Nevada, bore both Gonzalez Nunez's name and signature.  
 14 When contacted, 11 Eleven Tactical informed agents that  
 15 Gonzalez Nunez had purchased a number of firearm-related items  
 16 from them, including a 50-round drum magazine for a SCCY  
 17 CPX-2 pistol. The purchase was made with a credit card and the  
 18 name and signature on the receipt were "Christopher Gonzalez."  
 19 As stated above, a SCCY CPX-2 pistol was found in Gonzalez  
 20 Nunez's backpack.

21       In Gonzalez Nunez's bedroom, agents recovered three  
 22 rounds of ammunition on a dresser, next to indicia (including mail  
 23 and gun store receipts) that bore his name. The other occupants of the house disclaimed any ownership  
 24 or possession of items found in Gonzalez Nunez's bedroom. In a box near the bedroom door were  
 25 several other firearm tools and accessories, including a wrench used for assembling or modifying rifles,  
 26 a firearm sight adjustment tool, a trigger group, and an empty Tacticon Armament box that matched the  
 27 grip attached to one of the guns in Gonzalez Nunez's backpack. Several empty Glock gun boxes  
 28 matching the one found in the backpack were also located in his bedroom.





**B. CRIMINAL HISTORY & CHARACTERISTICS**

Prior to the June 2023 search, Gonzalez Nunez had been convicted of carrying a concealed firearm under California Penal Code 25400(a)(2) – Carrying a Concealed Firearm. This conviction arose out of a July 15, 2019 search in which Oakland Police Officers recovered a 9mm Glock style handgun with an unserialized Polymer80 frame and a 31-round extended magazine from Gonzalez Nunez's person. Gonzalez Nunez also has an adult misdemeanor conviction for reckless driving on the highway, a juvenile adjudication for possession of concealed firearm (felony), and two juvenile adjudications for bringing weapons to school (misdemeanors). More recently, he was arrested in November 2020 after SFPD officers found a pistol and two pistol magazines concealed under the infotainment system of Gonzalez Nunez's tow truck.



A subsequent search of his residence resulted in the seizure of another magazine, a speed loader, and more ammunition:



1           But those convictions and arrests just scratch the surface of Gonzalez Nunez's dangerousness.  
 2           Dating back to at least 2019, Gonzalez Nunez has been an active participant in a Norteno criminal street  
 3           gang that included Fernando Madrigal and Oscar Guadron Diaz, both of whom have pleaded guilty to  
 4           racketeering conspiracy and admitted to a total of three murders in *United States v. Madrigal, et al.*, 20-  
 5           CR-328-WHO. Of note, on the night of July 7, 2019, Gonzalez Nunez was hanging out with Madrigal  
 6           immediately before—and possible during—the murder of 15-year-old D.H., to which Madrigal has  
 7           pledged guilty. Gonzalez Nunez can be seen with Madrigal and Guadron Diaz in a Snapchat video  
 8           posted that night, and he was a participant in an Instagram group chat with Madrigal and others  
 9           (Gonzalez Nunez was using his Instagram handle “kildatbitch415”). After the shooting, Gonzalez  
 10           Nunez identified specific messages in the group chat and told  
 11           another participant to “delete this” and “this too.”<sup>1</sup>

12           Following the federal indictment of his gang  
 13           associates in August 2020, Gonzalez Nunez continued to  
 14           engage in dangerous conduct, including offering guns for  
 15           sale and driving in sideshows. For example, in January  
 16           2023, he posted the photo at right, appearing to advertise a  
 17           gold-plated assault weapon for sale.

18           Gonzalez Nunez is also believed to be a frequent  
 19           participant in vehicle “sideshows,” including one in San  
 20           Francisco in July 2021 where he drove while his significant  
 21           other leaned out his passenger window armed with an AK-  
 22           47. Not only does the car match a vehicle that Gonzalez  
 23           Nunez owned at the time, but Instagram users “tagged” him  
 24           in photos from the incident and mentioned him by name.

25           Perhaps most tellingly, Gonzalez Nunez posted a photo on his Instagram account of what appears to be



27           <sup>1</sup> This video and Instagram group chat will be provided to the Court and to defense counsel for  
 28           consideration at the detention hearing. The “deleted” account listed in the Instagram group chat  
          belonged to Fernando Madrigal.

1 him wearing a t-shirt depicting his significant other leaning out of his car holding the gun. The original  
 2 photo is at left, while the photo from Gonzalez Nunez's Instagram account is at right.



## ARGUMENT

### I. LEGAL STANDARDS

18 The Bail Reform Act of 1984 permits pretrial detention of a defendant without bail where “no  
 19 condition or combination of conditions will reasonably assure the appearance of the person as required  
 20 and the safety of any other person and the community.” 18 U.S.C. § 3142(e)(1). Detention is  
 21 appropriate where a defendant is either a danger to the community or a flight risk; it is not necessary to  
 22 prove both. *United States v. Motamedi*, 767 F.2d 1403, 1406 (9th Cir. 1985). A finding that a defendant  
 23 is a danger to the community must be supported by clear and convincing evidence. 18 U.S.C.  
 24 § 3142(f)(2)(B). A finding that a defendant is a flight risk need only be supported by a preponderance of  
 25 the evidence. *Motamedi*, 767 F.2d at 1406.

26 “[T]he Bail Reform Act mandates an [1] individualized evaluation [2] guided by the factors  
 27 articulated in § 3142(g).” See *United States v. Diaz-Hernandez*, 943 F.3d 1196, 1199 (9th Cir. 2019).  
 28 The four factors to be considered under § 3142(g) are: (1) the nature and circumstances of the offense

1 charged; (2) the weight of the evidence against the defendant; (3) the history and characteristics of the  
 2 defendant, including the defendant's character, physical and mental condition, family and community  
 3 ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning  
 4 appearance at court proceedings, as well as whether the crime was committed while the defendant was  
 5 on probation or parole; and (4) the nature and seriousness of the danger to any person or to the  
 6 community that would be posed by the defendant's release. 18 U.S.C. § 3142(g); *United States v.*  
 7 *Winsor*, 785 F.2d 755, 757 (9th Cir. 1986).

8 **II. GONZALEZ NUNEZ POSES AN UNMITIGABLE DANGER TO THE COMMUNITY**

9 Consideration of the § 3142(g) factors demonstrates that detention is appropriate in this case  
 10 based on Gonzalez Nunez's danger to the community.

11 First, the offense conduct is very serious. Despite his felony prohibition, Gonzalez Nunez has  
 12 continued to arm himself with numerous loaded firearms. He had three firearms, including an assault  
 13 weapon, and numerous extended magazines in his backpack, as well as countless gun assembly tools  
 14 and gun store receipts in his bedroom. Concerningly, many of the items referenced in those gun store  
 15 receipts were not recovered during a thorough search of his house. The missing items and his Instagram  
 16 posts strongly suggest that he was selling or supplying firearms to other individuals. The nature and  
 17 circumstances of the offense support detention. *See* § 3142(g)(1).

18 Gonzalez Nunez's history and characteristics likewise support detention. He has been an active  
 19 participant in a Norteño criminal street gang going back at least four years, and to the extent he has ever  
 20 stepped back from active gang conduct, it was only after his close associates were indicted federally for  
 21 multiple murders. He was with Fernando Madrigal shortly before Madrigal murdered an unarmed  
 22 minor, and he instructed gang associates to delete messages from an incriminating Instagram group chat  
 23 immediately following that shooting. This past gang conduct, combined with his continued possession,  
 24 assembly, and apparent distribution of firearms (including untraceable ghost guns) poses an unmitigable  
 25 danger to the public. *See* § 3142(g)(4).

26 The evidence against Gonzalez Nunez is also quite strong. Three guns were found in a backpack  
 27 that bore his DNA, and his DNA was located on a gun and numerous other items inside the backpack.  
 28 The charged ammunition was found in his bedroom, next to his driver's license and numerous other

1 items in his name. He is a convicted felon who was advised at the time of his prior conviction that he  
 2 faced a three-year prison sentence, leaving no doubt that he knew of his prohibited status. The strength  
 3 of the evidence, considered along with the other § 3142 factors, shows by clear and convincing evidence  
 4 that there are no conditions that can adequately mitigate Gonzalez Nunez's threat to the public.

5 Finally, while no sureties or custodians have been proposed as of the time of this filing, the  
 6 government has deep concerns about the people the defendant is most likely to offer. He was living  
 7 with his mother and stepfather at the time of the charged conduct, and evidence of his gun and  
 8 ammunition possession was on open display in the house. If they could not prevent his unlawful gun  
 9 and ammunition possession then, there is little reason to think they could do so now. Similarly,  
 10 Gonzalez Nunez's significant other has a criminal history of her own, including a battery conviction and  
 11 arrest for assault causing great bodily injury, robbery, and domestic violence. And as noted above, she  
 12 is believed to be the individual pictured holding an AK-47 while leaning out of Gonzalez Nunez's car  
 13 during a sideshow in San Francisco in 2021. For these reasons, the government doubts whether these  
 14 individuals could exert the required moral suasion over Gonzalez Nunez to ensure he ceases his criminal  
 15 conduct and complies with any terms of pretrial supervision.

16 **CONCLUSION**

17 Given the lack of conditions that can reasonably assure the safety of the community, the  
 18 government respectfully requests that Gonzalez Nunez be detained pending trial.

19 DATED: August 18, 2023

20 Respectfully submitted,

21 ISMAIL J. RAMSEY  
 22 United States Attorney

23 /s/ Leif Dautch

24 LEIF DAUTCH

25 Assistant United States Attorney